

## **RI UST Review Board**

**6-25-2009**

### **Quorum**

The Board meeting, held at 235 Promenade Street; Room 300, Providence, was called to order by Chairman Gray at 12:02 p.m. Members present were Commissioners Gray, Hurley, Boisselle, DeBlois, Beaudette, Conti, Unsworth and Allienello. Staff present were Kevin Gillen and Michaela K. Brockmann from Waste Management and Sue Forcier, Legal counsel at DEM.

### **Approval of Previous Meeting Minutes**

Commissioner Hurley moved to approve the meeting minutes from the March 12th, 2009 board meeting. Commissioner Boisselle seconded the motion and all those present voted in the affirmative.

### **Chairman's Report**

Chairman Gray stated that the Governor's supplemental budget had passed and therefore the funding of the Fund was now one half a cent. He then added that currently in the checking account there was \$225,000 and an additional \$520,000 from the restricted receipt account was due to come into the checking account on July 1, 2009. Therefore he expected that fifty percent of the current claims pending before the Board would be able to be paid.

## **RRISC Options**

**Commissioner Hurley, Chairman of RRISC, discussed the RRISC option sheet that was put before the Board. He stated that it was currently in just a quick format to give the Board members a quick review of some of the options the subcommittee was reviewing. Commissioner DeBlois added that the committee would be working on creating a more in-depth document.**

**One discussion centered around the NATLUST options. Commissioner Hurley moved that DEM legal council, Sue Forcier, take a look at the questions put forth by Nat Lust Executive Director Lindsay Trittepoe and create a response. The motion was seconded by Commissioner DeBlois and all present voted in the affirmative.**

## **Reimbursement Recommendations**

**Chairman Gray stated that the claims would be reviewed in a two prong fashion. Firstly, they would be reviewed for their approval and secondly, they would be reviewed in terms of how the claims would be paid due to the current lack of funding.**

**Commissioner Unsworth asked that RFR#'s 176 and 141 be taken out of section A. Commissioner Boisselle then moved to approve the amended section A of the reimbursements. Commissioner Hurley seconded the motion and all present voted in the affirmative and Commissioner Unsworth recused himself.**

**Chairman DeBlois moved that section B be approved for reimbursement and Commissioner Boisselle seconded the motion. Commissioner Hurley recused himself and filed the appropriate paperwork. All remaining members voted to approve section B.**

**Commissioner Boisselle recused herself on voting on Section C and she then filed the appropriate papers. Commissioner DeBlois moved to approve Section C for disbursement and the motion was seconded by Commissioner Hurley. All voting members voted in the affirmative and the motion passed.**

**Chairman Gray stated that section D was delineated as such as it was the Avila claim and was subject to an 80% reimbursement rate due to the decision of the appeal. Commissioner Boisselle moved to approve Section D and her motion was seconded by Commissioner Hurley. All members voted in the affirmative.**

**Chairman Gray explained that section E were separated as these claims were under \$5,000. Commissioner Boisselle explained that when RRISC met, it was discussed and thought prudent to pay all claims under \$5,000 at 100%. Commissioner DeBlois then moved section E to be approved. Commissioner Hurley seconded this motion and all members voted in the affirmative.**

**Chairman Gray explained that section F was created because these were sites that currently had notices of violations pending against**

them. He further went on to state that traditionally under the Fund's normal operating conditions, these sites had been paid for; however, he felt that the Board under its current economic conditions should perhaps consider their non compliance. Commissioner Hurley moved approval of these claims, the motion was seconded by Commissioner Unsworth and the claims were approved.

Chairman Gray stated that section G was separated because this claim was participating in a voluntary cleanup. Materials were provided in member's packets that explained that this site had received a No Further Action in 1998. Further, project manager Paula Therrien strongly recommended that this site no longer be able to participate from the fund. Under the traditional model of the fund, the claim pending before the Board was \$14,143.58. Commissioner DeBlois moved to approve the amount and his motion was seconded by Commissioner Hurley. All members voted in the affirmative. Then, taking the two prong approach that Commissioner Gray explained earlier, a motion was made to approve payment of the claim. The motion was seconded by Commissioner Conti. All members present vetoed the motion.

Section H consisted of the RFR numbers (176,141) that Commissioner Unsworth had asked to be removed from section A. Commissioner Boisselle moved to approve the amount of the two claims. Commissioner DeBlois seconded the motion a vote was taken and the claims were approved.

**Then, taking the two prong approach, Commissioner Gray then asked how each section was to be paid. Commissioner Hurley moved that the claims listed in section E (claims under \$5,000) be paid at a rate of 100%. Commissioner DeBlois seconded this motion and all members present voted in the affirmative.**

**Section F were those claims that were approved; however, they still had notices of violations pending against them. Commissioner DeBlois then moved that these claims would be paid when the notices of violations were resolved and further that the claims would be paid at a rate of 50%. Commissioner Boisselle seconded the motion and the motion passed.**

**Commissioner Hurley moved that sections A,B, C, D, and H be paid out at the rate of 50%. Commissioner Boisselle seconded the motion and all present voted in the affirmative.**

### **Old Business**

**There was no old business.**

### **New Business**

**Chairman Gray stated that as required by the statute, the Fund was obligated to produce an Annual Report. As the fiscal year end was soon, he stated that the report would be worked on and he was hoping that by September 10th, 2009 it would be completed.**

## **Adjournment**

**Commissioner Hurley moved to adjourn the meeting at 1:20. The motion was seconded by Commissioner Unsworth and all approved the adjournment of the meeting.**

**Respectfully Submitted by**

**Michaela K. Brockmann**